

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4602 of 2019

=====

Anshu Priya Daughter of Late Manoj Kumar Jha Resident of Village-Garhai,
P.S.-Ram Nagar, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Power and Energy Department, Government of Bihar, Patna.
2. The Bihar State Power Holding Company Limited, Patna through its Managing Director,
3. The Managing Director, The Bihar State Power Holding Company Limited, Patna.
4. The General Manager, Human Resources (Administration), The Bihar State Power Holding Company Limited, Patna.
5. The Senior Manager (Personnel), The Bihar State Power Holding Company Limited, Patna.
6. The General Manager-cum-Chief Engineer, Central Electric Supply Region-8, Serpentine Road, Patna.
7. The Electrical Superintending Engineer, Electric Supply Circle, The Bihar State Power Holding Company Limited, Gaya, District-Gaya.

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 4616 of 2019

=====

Nibha Kumari W/o Late Manoj Kumar Jha Resident of Village Garhai,P.S-
Ram Nagar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Power and Energy Department Government of Bihar Patna
2. The Bihar State Power Holding Company Limited,Patna through its Managing Director
3. The Managing Director The Bihar State Power Holding Company Limited,Patna
4. The General Manager Human Resources (Administration) The Bihar State Power Holding Company Limited,Patna
5. The Senior Manger (Personnel), The Bihar State Power Holding Company Limited,Patna
6. The General Manager cum chief Engineer, Central Electric Supply Region -8,Serpentine Road ,Patna

... .. Respondent/s

=====

Appearance :

(In Civil Writ Jurisdiction Case No. 4602 of 2019)

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Respondent/s : Mrs. Soni Shrivastava, Adv.

(In Civil Writ Jurisdiction Case No. 4616 of 2019)

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Respondent/s : Mr. S.P. Singh, GA3



: Mrs. Priya Ranjan, Adv.
: Mr. Sandeep Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 29-01-2024 Heard learned counsel for the petitioner and learned
counsel for the Bihar State Power Holding Company Limited.

2. Counsel for the petitioner submits that the first case listed is C.W.J.C. No. 4602 of 2019 in which relief on compassionate appointment has been made. He submits that permission may be granted to him to withdraw the I.A. No. 01 of 2019 filed in C.W.J.C. No. 4602 of 2019.

3. Counsel for the Bihar State Power Holding Company Limited has no objection for the same.

4. As such, the I.A. No. 01 of 2019 is hereby dismissed as withdrawn.

5. Counsel further submits that the relief demanded in the first case i.e., C.W.J.C. No. 4602 of 2019 shall be maintainable only when C.W.J.C. No. 4616 of 2019 (second case) shall be allowed. As such, he requests to this Court that the second case listed may be heard earlier than the first case listed.

6. Permission granted.

C.W.J.C. No. 4616 of 2019

7. Counsel for the petitioner submits that the present writ petition has been filed for quashing of the final order No. 177 dated 27.08.2018 contained in Memo No. 1588 dated



27.08.2018 (Annexure-4) which has been passed against the husband of the petitioner who died during treatment dated 25.06.2016 and death certificate is attached as Annexure-3 of the writ petition. He further submits that her husband is no more and he has already died in 2016, therefore any communication or show cause demanded in the year 2017, is basically a nullity and the final order has been passed against dead person. The only point which has been raised by the petitioner that on the date of issuance of show cause and final order, the husband of the petitioner is no more and by the said order, petitioner is ultimate sufferer.

8. Counsel for the Bihar State Power Holding Company Limited, on the other hand, submits that appointment of the petitioner's husband took place with a basic eligibility of mark-sheet obtained in the ITI examination, which is false, and basically on the basis of fabricated and interpolated marks, the petitioner's husband has obtained the appointment. In this regard, show cause was issued and upon no response, final order for termination was passed.

9. In the light of the submissions made, it transpires to this Court that show cause notice and final order has been passed in 2017-18 whereas the husband of the petitioner already died on 2016. As such, this writ petition is hereby disposed off



directing the Bihar State Power Holding Company Limited to pass order after granting opportunity of defending to the petitioner. It is made clear that court has not passed any order on merit and directing the respondent authorities to pass order on merit only after granting opportunity of defending to the petitioner within 60 days from the date of production of a copy of this order.

10. Accordingly, the order No. 177 dated 27.08.2018 contained in Memo No. 1588 dated 27.08.2018 (Annexure-4) of the writ petition is hereby set aside as passed against dead person. The petitioner is free to raise all the points which he has raised in the writ petition.

11. C.W.J.C. No. 4602 of 2019 is permitted to be withdrawn with liberty that the petitioner may file this writ petition afresh after passing the final order by the Board with regard to service of petitioner's husband

12. With the aforesaid direction, both the writ applications *i.e.*, C.W.J.C. No. 4602 and C.W.J.C. No. 4616 of 2019 are hereby disposed off.

(Dr. Anshuman, J.)

Prakashmani/-

U			
---	--	--	--

